

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: WEIXING GUO, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Weixing Guo, M.D. ("Dr. Guo") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

FINDINGS OF FACT

1. Dr. Guo currently holds an active license to practice medicine and surgery in the State of West Virginia, License No. 20962, issued in 2002 by the Board, and his address of record is in Charleston, West Virginia.

2. On September 8, 2008, the Complaint Committee of the Board ("Committee") initiated a complaint against Dr. Guo, based upon a report received regarding his actions at his office in Madison, West Virginia, relating to his drug prescribing practices and a patient who had recently "overdosed".

3. Dr. Guo filed a timely response to the complaint.

4. Further investigation ensued and in November 2008, the Committee initiated an amended complaint relating to further dishonorable, unethical and unprofessional conduct.

5. A response was filed on behalf of Dr. Guo and Dr. Guo appeared before the Committee with his counsel at its meeting on January 11, 2009, for a full discussion of the matters in issue. He has acknowledged a sexual "event" with a patient.

6. Dr. Guo is closing his practice in both Madison and Cross Lanes, West Virginia, incident to his desire to return to anesthesiology.

7. The investigation is continuing and is not completed, however, for the health, safety and welfare of the public, it is essential that Dr. Guo now enter into this Consent Order, though this Consent Order may not fully settle and terminate all the matters in issue.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. Guo from the practice of medicine and surgery in the State of West Virginia due to violations of the West Virginia Medical Practice Act and Rule of the Board, including W. Va. Code § 30-3-14(c)(8), (13), (17) and (20), and 11 CSR 1A 12.1(e),(j),(r) and (x), and 11 CSR 1A 12.2 (a)(A),(B), (D), and (d), all relating to unprofessional, unethical and dishonorable conduct.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Guo, and to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Guo enters into this Consent Order.

CONSENT

Weixing Guo, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. Guo acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.

2. Dr. Guo further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Guo waives all rights to such a public hearing.

4. Dr. Guo consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Guo understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the Consent of Dr. Guo, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective February 15, 2009, the license of Dr. Guo, License Number 20962, is **REVOKED** and the **REVOCATION** is immediately **STAYED**, and until September 1, 2010, Dr. Guo shall cease and desist from prescribing any scheduled controlled substance designated on Schedules II, III, or IV under state and federal law, and he may administer such controlled substances only in a hospital setting and only for purposes of or in connection with anesthesia.

2. If, as a result of its continuing investigation, and/or in the event Dr. Guo violates this Consent Order, the Committee determines at any time prior to September 1, 2010, in its sole discretion, that it is essential and in the public health, safety and welfare to impose alternative and/or further conditions, limitations, or restrictions upon Dr. Guo's License Number 20962, the Committee retains its right to require imposition of further conditions, limitations, or restrictions upon said license.


3. If, as a result of its continuing investigation, and/or in the event that Dr. Guo violates this Consent Order, the Committee determines at any time prior to September 1, 2010, in its sole discretion, that it is essential and in the public health, safety and welfare to **LIFT** the **STAY** of **REVOCATION** of Dr. Guo's License Number 20962, the Committee retains its right to recommend that the Board **LIFT** the **STAY** of **REVOCATION** of said license, and the Board may do so without further hearing or process.


4. Until September 1, 2010, unless a superseding Order is entered in this matter, within ten (10) days of entry of this Consent Order, Dr. Guo shall provide a copy of this Consent Order to any health care facility or entity where he has or seeks privileges or where he seeks medical employment of any kind.

The foregoing Consent Order was entered this 12th day
of February, 2009.

WEST VIRGINIA BOARD OF MEDICINE


John A. Wade, Jr., M.D.
President


Catherine Slemp, M.D., M.P.H.
Secretary


Weixing Guo, M.D.

Date: 2-11-2009

STATE OF West Virginia

COUNTY OF Kanawha

I, Carole Ball, a Notary Public for said county and state
do hereby certify that Weixing Guo, M.D., whose name is signed on this page, has this day
acknowledged the same before me.

Given under my hand this 11th day of February, 2009.

My commission expires November 17, 2015.


Notary Public